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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिस से कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 28th November, 1969:—

I

Bill No. XXIII of 1969

A Bill further to amend the Indian Telegraph Act, 1885.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Indian Telegraph (Amendment) Act, 1969.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Omission of section 29.

13 of 1885.

2. In the Indian Telegraph Act, 1885, section 29 shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Section 29 of the Indian Telegraph Act, 1885, provides punishment of imprisonment or fine or both to a person if he transmits or causes to be transmitted by telegraph a message which he knows to be false or fabricated. By taking shelter under this provision, the telegraph authorities sometimes harass the Press Correspondents for transmitting any news report telegraphically to their respective news agencies or newspapers found later to be false. If this provision is removed from the said statute, the independence of the journalistic profession will be maintained to a considerable extent. The present Bill seeks to achieve this objective.

A. D. MANI.

II

Bill No. XXVI of 1969

A Bill further to amend the Payment of Bonus Act, 1965.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Payment of Bonus (Amendment) Act, 1969.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

21 of 1965.

Substitution of new section for section 10.

2. For section 10 of the Payment of Bonus Act, 1965, the following section shall be substituted, namely:—

Payment of minimum bonus.

"10. Subject to the provisions of sections 8 and 13, every employer shall be bound to pay to every employee in an accounting year a minimum bonus which shall be eight per cent. of the salary or wage earned by the employee during the accounting year or eighty rupees whichever is higher, irrespective of profits or loss in the accounting year:

Provided that where such employee has not completed fifteen years of age at the beginning of the accounting year, the provisions of this section shall have effect in relation to such employee as if for the words "eighty rupees" the words "fifty rupees" were substituted.

STATEMENT OF OBJECTS AND REASONS

Section 10 of the Payment of Bonus Act, 1965, provides for payment of the minimum bonus at four per cent. of the salary or wage earned by an employee during the accounting year or forty rupees, whichever is higher. Experience of the last few years has revealed that the quantum of minimum bonus fixed by this Act is extremely inadequate. Many employers in West Bengal have already agreed to give 8 per cent. of the annual earning as bonus, though the excess 4 per cent. is sometimes termed as *"Exgratia"*. Even before this legislation, one month's pay was the minimum puja bonus in West Bengal, in many concerns. That was more than 4 per cent of the annual earning. For the same reason the amendment to the proviso to section 10 of the Act is also suggested. Opportunity is being taken to suitably amend the expression "whether there are profits in the accounting year or not" with a view to avoid unnecessary legal complications.

The amendment proposed in the Bill seek to achieve these objects.

DWIJENDRALAL SEN GUPTA.

III

BILL NO. XXIV OF 1969

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1969. Short title.

2. In the Eighth Schedule to the Constitution,— Amendment of Eighth Schedule.

(*a*) entries 9 and 10 shall be re-numbered as entries 10 and 11, and entries 11 to 15 shall be re-numbered as entries 13 to 17, respectively;

(*b*) before entry 10 as so re-numbered, the entry "9. Nepali" shall be inserted; and

(*c*) before entry 13 as so re-numbered, the entry "12. Rajasthani" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Originally there were 14 languages specified in the Eighth Schedule to the Constitution. Sindhi language was included in that Schedule by the Constitution (Twenty-first Amendment) Act, 1967 subsequently. There are two more languages, namely, "Nepali" and "Rajasthani" which are rich in heritage and widely-known and spoken languages in India but are not included in the Eighth Schedule.

The Nepali speaking citizens of India, numbering about a million, have a legitimate grievance that "Nepali" is not included in the Eighth Schedule. Further, inclusion of "Nepali" in the Eighth Schedule assumes special importance in view of large concentration of Nepalese in the Darjeeling and Jalpaiguri districts of West Bengal, North Bihar, Assam and other Himalayan areas, in view of traditionally patriotic services of Nepali speaking Gurkhas in our Defence Services and also in view of the favourable impact that it may have on Indo-Nepal relations.

Similarly, "Rajasthani", a rich language with a historic past and spoken by about 20 million people deserves recognition as one of the major languages and should therefore be incorporated in the Eighth Schedule.

The proposed Bill seeks for the inclusion of the two languages "Nepali" and "Rajasthani" in the Eighth Schedule to the Constitution.

DWIJENDRALAL SEN GUPTA.

IV

BILL No. XXVII OF 1969

A Bill further to amend the Industrial Disputes Act, 1947

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Industrial Disputes (Amendment) Act, 1969.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

14 of 1947.

2. In section 2 of the Industrial Disputes Act, 1947, in clause (*s*), after the words "discharge or retrenchment has led to that dispute," the words "or in the case of the death of the workman his assignee or heirs," shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Industrial Disputes Act, 1947 is intended to offer a system for settlement of industrial disputes. The proceedings under the Act ordinarily start with conciliation proceedings; failing settlement the matter is referred for adjudication and an award given by an adjudicator, if not implemented, is referred to for computation under section 33C of the Industrial Disputes Act, 1947. This section has been amended by the Industrial Disputes (Amendment) Act, 1964 to give a right to the "heirs and assignee" of a deceased workman for the purpose of computation proceedings and recovery of dues from the employer. But no such right exists for heirs or assignee of a deceased workman to proceed with a dispute in the "conciliation proceedings" or "adjudication proceedings". Consequently, the right of a workman abates in such proceedings, the moment he dies, on the plea that a dead workman is not a "workman" within the meaning of the term as defined in the Industrial Disputes Act, 1947. Justice should not, therefore, be denied under this Act to the heirs and assignees of a deceased workman.

The proposed Bill seeks to achieve the above object.

DWIJENDRALAL SEN GUPTA.

B. N. BANERJEE,
Secretary.

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